

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LUCIA B. CHAVEZ,
Plaintiff,
v.

BANK OF AMERICA CORPORATION,
Defendant.

Case No. 15-cv-02756-KAW

ORDER TO SHOW CAUSE

On June 18, 2015, Plaintiff filed the instant complaint against Defendant Bank of America Corporation, alleging violations of Federal Regulation E and the Electronic Funds Transfer Act. (Compl., Dkt. No. 1.) On April 10, 2017, Defendant requested a telephonic discovery conference, on the ground that Plaintiff was failing to comply with her discovery obligations. (Dkt. No. 40.) Specifically, Defendant stated that Plaintiff had failed to: (1) respond substantively to Defendant's meet and confer attempts, (2) provide promised discovery, and (3) communicate generally with Defendant. (*Id.* at 1; *see also* Kenney Decl. ¶¶ 5 (identifying documents Plaintiff has not turned over); 6 (Plaintiff's provision of 64 pages of documents that were not related to her alleged travel); 7 (Plaintiff stating at her deposition that she had additional documents to produce), 8, 11 (Plaintiff's continued failure to produce the documents she said she would produce).) The Court also previously admonished Plaintiff about participating in the case. For example, at the August 2, 2016 case management conference, after Plaintiff's counsel stated that he had not heard from the plaintiff, the Court ordered Plaintiff to file a status report indicating whether or not she intended to prosecute the case. (Dkt. No. 26.) The Court again admonished Plaintiff about participating in the case at the February 21, 2017 case management conference.¹

¹ The February 21, 2017 case management conference had been continued from February 14,

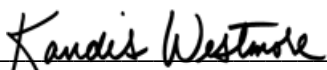
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On April 18, 2017, the Court held a telephonic discovery conference with the parties. There, Plaintiff's counsel indicated that he had not heard from Plaintiff since early March, despite numerous attempts to reach her.

In light of the above, Plaintiff is ordered, on or before **May 4, 2017**, to respond to this order to show cause by explaining why the instant case should not be dismissed for failure to prosecute. Failure to respond to this order **will** result in dismissal of the case.

IT IS SO ORDERED.

Dated: April 20, 2017


KANDIS A. WESTMORE
United States Magistrate Judge